

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARGETTA LANGLOIS,)
Plaintiff,)
)
v.) C.A. NO. 04-11588-RWZ
)
MICHAEL HUGO, SAM POLLACK)
and FLANDERS)
Defendants.)

July 22, 2004

PROCEDURAL ORDER

On July 12, 2004, plaintiff Margetta Langlois filed a complaint against the defendants, her former attorneys, but did not submit the \$150.00 filing fee for this action or an application for waiver of prepayment of the filing fee.

A party filing a civil action in this Court must either (1) pay the \$150 filing fee for civil actions or (2) file an application to proceed without prepayment of the filing fee. See 28 U.S.C. § 1914 (filing fee for civil actions); Fee Schedule for the District of Massachusetts; 28 U.S.C. § 1915 (proceedings in forma pauperis).

Although Ms. Langlois requests that this Court waive all filing fees in the Request for Relief section of her complaint, a request to waive the filing fee at the commencement of an action generally must be made by motion. Fed. R. Civ. P. 7(b)(1) (an application to the Court for an order shall be by motion. . .). Moreover, even if the Court could consider Ms. Langlois' claim as presented, it is incomplete. In order to determine whether a party qualifies for *in forma pauperis* status, the Court must review a statement of all of a litigant's assets. See 28 U.S.C. § 1915(a)(1). Although Langlois has attached a copy of a statement listing her monthly Social Security benefits, it is not clear whether this statement

contains a full listing of all of her assets.

For the convenience of litigants, this Court provides a standardized form for applications for waiver of the filing fee that solicits the requisite information needed to make an in forma pauperis assessment. Thus, I will grant Ms. Langlois time to file an application to proceed without prepayment of fees and direct the Clerk to send her a copy of this form. If Ms. Langlois fails to file an application, this action shall be dismissed without prejudice.

CONCLUSION

ACCORDINGLY, this action shall be dismissed without prejudice, 35 days from the date of this Procedural Order, unless plaintiff Margetta Langlois pays the \$150.00 filing fee for this action or submits an application to proceed without prepayment of the filing fee.

The Clerk is directed to send to plaintiff an Application to Proceed Without Prepayment of Fees and Affidavit with this Order.

SO ORDERED.

s/ Rya W. Zobel _____
RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE